

## PATENT

Reissue Application for:

U.S. Patent No. 5,958,057

## DECLARATION AND OFFER TO SURRENDER ORIGINAL PATENT

Filed: Herewith

**For: METHOD AND APPARATUS  
FOR POWERING-ON A  
COMPUTER-BASED SYSTEM  
VIA A NETWORK INTERFACE**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, Robert B. Gianni, state:

1. I am a citizen of the United States and am a resident of Los Gatos, California, and my address is 107 Worcester Lane, Los Gatos, California 95032;

2 I believe myself to be the original, first, and only inventor of the  
invention described and claimed in Letters Patent 5,958,057 and in the  
accompanying specification for which improvements a reissue patent is now sought;

3. I do not believe the invention or improvements were ever known or used anywhere before my invention thereof.

4. I believe U.S. patent no. 5,958,057 to be partly defective or inoperative by reason of my having claimed less than I had a right to claim.

5. The omission and error in my having claimed less than I had a right to claim arose from inadvertence, accident or mistake on my part, without any fraudulent or deceptive intention on my part.

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Issued claims 1-13 are directed to a method of powering-on a switched-off member among a plurality of members within a peer-to-peer environment;

Issued claims 14-20 are directed to a system for powering-on a switched off member among a plurality of members within a peer-to-peer environment;

As such, issued claims 1-20 were directed to aspects of a networked multi computer system that included a plurality of client computers, each client computer including a power supply source of DC operating power, where a member whose operating voltage is switched off can be powered-on in response to broadcast information. But the Specification in U.S. patent no. 5,958,057 discloses and supports many aspects of my invention:

One aspect of the invention provides a client computer system for a networked multi-computer system, where the multi-computer system comprises a plurality of such client computer systems 30, 30' coupled to a network, and a server computer system 20 also coupled to the network and operable to issue via the network information packets that include address information having a predetermined pattern of bits to at least one of the client computer systems. (Reference numerals refer to Figs. 1-3 in U.S. patent no. 5,958,057.) The client computer systems include a power supply providing DC operating power, a power control switch mechanism (S1) having an ON state in which the DC operating power is supplied to the client computer system, and an OFF state for interrupting the supply of DC operating power to the client computer system, and a network interface 200 for connecting the client computer system 30 to the network. The network interface 200 comprises a decoder 102, a comparator 104, and a power control unit 130.

When the power control switch mechanism S1 is in the OFF state:

the decoder 102, the comparator 104, and the power control unit 13- are coupled to a power source (DC IN);

the network interface 200 is operable to receive the information packets issued by the server computer system 20;

the decoder 102 is operable to decode the address information included in the information packets;

the comparator 104 is operable to compare decoded address information with at least one stored pattern of bits held in the network interface 200 and to output a power-on signal to the power control unit 120 when a stored pattern of bits matches the decoded address information; and

the power control unit 130 is operable to pass the DC operating power (DC IN) from the power supply via the network interface 200 to the client computer system 30 upon receipt of the power-on signal when the power control switch mechanism (S1) is in the OFF state;

whereby the server computer 20 is able to power on the client computer 30 when the power control switch mechanism (S1) of the client computer system is in the OFF state.

A second aspect of the invention provides a method of powering on at least one client computer system 30 in a networked multi-computer system that includes a plurality of client computer systems and a server computer system 20 coupled to a network. Each client computer system 30 includes: a power supply providing DC operating power (DC IN), a power control switch mechanism (S1) having an ON state in which the DC operating power is supplied to the client computer system 30 and an OFF state for interrupting the supply of DC operating power to the client computer system, and a network interface 200 for connecting the client computer system 30 to the network, where the network interface 200 comprises a decoder 102, a comparator 104, and a power control unit 130. When the power control switch mechanism (S1) is in the OFF state, the decoder 102, the comparator 104, and the power control unit 130 are connected to a power source (DC IN).

The method comprises, responsive to receipt at the network interface 200 of at least one said client computer system 30 coupled to the network of an information packet including address information having a predetermined pattern of bits issued

to the network from the server computer system 20, at a time when the power control switch mechanism (S1) of the client computer system 30 is in the OFF state;

the decoder 102 of the client computer system 30 decoding the address information included in the information packets;

the comparator 103 of the client computer system 30 comparing the decoded address information with at least one stored pattern of bits (330, 340) held in the network interface 200, and outputting a power-on signal to the power control unit 130 when a stored pattern of bits matches the decoded address information (330, 340); and

the power control unit 130 of the client computer system 30 passing the DC operating power (DC IN) from the power supply via the network interface 200 to the client computer system 30 upon receipt of the power-on signal when the power control switch mechanism 130 is in the OFF state:

whereby the server computer 20 is able to power on a predetermined client computer system 30 when the power control switch mechanism 130 of the predetermined client computer system 30 is in the OFF state.

In another aspect, my invention also provides a networked multi-computer system comprising a plurality of client computer systems 30, 30' as defined above and coupled to a network, and a server computer system 20 coupled to the network and operable to issue information packets including address information having a predetermined pattern of bits via the network to at least one said client computer system 30. In one embodiment of the invention, a network interface card 100 in a networked client computer 30 includes a software or hardware mechanism that is powered at all times. This mechanism decodes 102 incoming network packets and recognizes therein 104 a server transmitted address whose receipt means the client 30 must be powered-on, even if it had been manually switched off. The transmitted address may be a "broadcast" address 300 whose receipt will cause power-on of all recipient client computers on the network, or the address may instead be a client-dedicated address 340 whose receipt will cause power-on only in a specific client 30 associated with the address.

6. During prosecution of U.S. Patent no. 5,958,057 I believed I was entitled to claim what is defined by claims 1-20 therein, but I did not appreciate that other aspects of my invention, as noted above in paragraph 5, might be separately claimed. During prosecution of U.S. Patent no. 5,958,057 the project for which I developed my invention at Sun Microsystems, Inc. was centered about a peer-to-peer environment as set forth in claims 1-20 in U.S. Patent no. 5,958,057. As such I did not appreciate that other facets of my invention could be separately claimed, which facets are now presented by new claims 21-32 submitted herewith.

7. European patent application 96110734.9 claims priority from what is now U.S. patent no. 5,809,313, from whose U.S. patent application the application resulting in U.S. patent no. 5,958,057 was a divisional application. Within approximately the last six months, during prosecution of European patent application 96110734.9 it became apparent to patent counsel for assignee of U.S. patents 5,809,313 and 5,958,057 Sun Microsystems, Inc. that claims could be directed to aspects of my invention that were not previously claimed in U.S. patent no. 5,958,057 (or in U.S. patent no. 5,809,313).

8. Submitted herewith is a reissue application with new claims 21-32 that are directed to aspects of my invention not hitherto claimed, yet fully supported by the Specification in U.S. patent 5,958,057. I have reviewed and understand the reissue application and new claims 21-32 filed herewith.

9. I believe I am entitled to new claims 21-32 and I believe that no known prior art reference teaches or suggests the thus claimed invention. New claims 21-32 are similar to claims for which allowance has been achieved for European patent application no. 96110734.9.

10. It is submitted that new claims 21-32 are in condition for allowance, which allowance is deemed necessary to provide the full range of claim coverage to which my invention is entitled.

11. Applicant's assignee Sun Microsystems, Inc. hereby offers to surrender the original ribbon version of Letters Patent No. 5,958,057 to the United States Patents and Trademark Office upon notice that such submission is appropriate and required.

12. I acknowledge a duty to disclose information that is material to examination of the within reissue application.

13. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the U.S.C., and that such willful false statement may jeopardize the validity of the application and any patent issued thereon.

Dated: September 25, 2001

Signed:   
Robert R. Gianni